

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
Santos Hernandez, Emanuel De Jesus Lievano, and
Miguel Antonio Vasquez,

Plaintiffs,

-against-

Rosso Uptown Ltd., Michael Tizzano, and Massimo
Gammella,

Defendants.
-----X

Case No.: 20-cv-04026

**OFFER OF JUDGMENT
PURSUANT TO
FED.R.CIV.P. 68**

To: Moser Law Firm P.C.
Attn.: Steven John Moser
133 C New York Ave.
Huntington, NY 11743
Email: steven.moser@moserlawfirm.com

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants Rosso Uptown Ltd., Michael Tizzano, and Massimo Gammella (collectively, the “Defendants”), hereby make this offer of judgment in favor of Plaintiffs Santos Hernandez, Emanuel De Jesus Lievano (the “Plaintiffs”), and against Defendants in the above-captioned action in the total sum of Forty Five Thousand Dollars and Zero Cents (\$45,000.00) (the “Judgment Amount”).

The total Judgment Amount is inclusive of reasonable attorney’s fees, costs, and expenses to date of this offer, in full and final settlement of all of Plaintiffs’ claims against Defendants arising out, alleged in, or related to, the facts and transactions alleged in the above-captioned action.

This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiffs may have to damages, or any other form of relief, arising out of the alleged acts or omissions of Defendants or any owner, employee, or agent, either past or present, of the

Defendants, or in connection with the facts and circumstances that are the subject of this action.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by any of the Defendants, or any owner, employee, representative, or agent of any of the Defendants.

Acceptance of this offer of judgment will act to release and discharge Defendants, their respective successors or assigns, as well as all past and present owners, employees, representatives, and agents of the Defendants, in their respective capacity as such, from any and all claims that were or could have been alleged by Plaintiffs in the above-referenced action. Acceptance of this offer of judgment also will operate to waive Plaintiffs' rights to any claim for interest on the amount of the judgment.

In order for Plaintiffs to accept this offer, Plaintiffs must serve written notice of acceptance upon Defendants within fourteen (14) days after service of this Offer of Judgment. An offer not accepted within the specified period for acceptance will be deemed withdrawn.

Date: May 13, 2025
New York, NY

LEVIN-EPSTEIN & ASSOCIATES, P.C.


Joshua D. Levin-Epstein, Esq.
Jason Mizrahi, Esq.
420 Lexington Avenue, Suite 2458
New York, New York 10170
Email: Jason@levinepstein.com
Joshua@levinepstein.com
Counsel for Defendants